



SU-13-13

# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

COCHISE COUNTY

SEP 25 2013

PLANNING

## SPECIAL USE APPLICATION FOR APPEAL

(TO BE PRINTED IN INK OR TYPED)

NAME OF APPELLANT: Diane Logan on behalf of AIRES, LLCADDRESS: 824 E. Fort Lowell Road Tucson Arizona 85719CONTACT TELEPHONE NUMBER: Diane Logan cell phone: (520) 510-6316EMAIL ADDRESS: dlogan@aires.orgNUMBER OF DOCKET APPEALED: SU-13-13DATE OF COMMISSION DECISION: September 11, 2013DATE OF APPEAL SUBMITTAL: September 25, 2013 FEE PAID: \$300.00

In addition to the \$300 fee, the following information shall be provided before an appeal can be accepted. If more room is needed please attach additional pages.

1. Description of the decision being appealed. An appellant can appeal the Commission's decision for approval or disapproval or any conditions as part of docket approval.

AIRES is appealing the decision of the Cochise County Planning and Zoning Commission to deny the request of a Special Use authorization to legitimize a Day Care Establishment land use on Parcel No. 107-62-018J, located at 4100 S. Ranch Road in Sierra Vista, Arizona.

2. A complete statement of reasons why the appellant believes that the decision, or any part of the decision was erroneous, capricious, or any abuse of discretion.

AIRES is respectfully asking that the County Board of Supervisors review the AIRES application for special use permit, the recommendations made by County staff for conditional approval, and the Commissions unanimous decision to deny the approval.

AIRES recognizes, and has apologized for the error in not applying for the special use permit prior to providing services. Upon notification of our error with the Notice of Violation on May 22, 2013, AIRES immediately contacted the County staff to for instructions on how to remediate the

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issue. AIRES staff met with the County staff in Bisbee the following day to learn what the necessary process would be in order to achieve compliance with applicable County codes.

Since that time, AIRES has, to the best of our staff's ability, completed the necessary steps. Upon receipt of feedback from the various County departments, that identified areas of concern, AIRES began to immediately address the noted items.

One of the most critical pieces of feedback came from the Fry Fire Marshall, Mike McKearney. The date of the initial report is August 8, 2013. AIRES received a copy of the report on August 21, 2013. Based on the remarks included in the report, AIRES arranged to meet with Mr. McKearney at the Ranch Road property on August 23, 2013 to review the noted concerns and to enable him to see the safety measures already in place. Based on this visit, the Mr. McKearney issued a revised report dated September 3, 2013. It should be noted, that both of the Fire Marshal reports recommended approval with conditions. It should be noted that while the initial report noted concerns about the occupancy load, after Mike McKearney completed a site visit, the report was revised and that concern was removed. Please note that AIRES attempted to address the occupancy concern at the time of the Commission meeting, however, it is our opinion that the Commission continued to have concern which contributed to their ultimate decision. We ask that the Board also note that prior to the Commission meeting that AIRES had already begun to make contacts with local contractors to obtain bids on the work that would be required, pending the approval of the special use permit. While this was verbally shared with the Commission, we believe that our serious intent to address the modifications in a timely manner was not taken seriously.

In addition, it is our opinion that an additional contributing factor to the decision of the Commission was their lack of understanding of the state certification process that AIRES did complete prior to providing services. AIRES is certified by the Arizona Department of Economic Security - Office of Licensing, Certification & Regulation (AZ DES/OLCR) to provide DD Day Care (aka Day Treatment and Training). The Life Safety Inspection Report from OLCR for the Ranch Road property was completed on January 10, 2013. A copy of the certificate and the inspection report was provided to the County staff prior to the Commission meeting. The certificate was included in the Commission's meeting packet. Unfortunately, the copy of the inspection report was not included. While AIRES attempted to inform the Commission on the inspection, we are of the opinion that the Commission did not take into consideration the fact that AIRES had met the Life Safety Requirements from the State of Arizona prior to providing services at the site. Nor do we feel that the Commission had a clear understanding that the OLCR Life Safety standards differ from those applied by the Fire Marshal.

Finally, as a result of our lack of understanding of the process, AIRES did not make arrangements for anyone to speak in support of our request. We were, in fact, surprised that a number of neighbors came to speak to the Commission against approval. AIRES had sent the required notifications to neighbors and received no responses. According to the Commission's meeting packet, there were only two neighbors who responded to the County's mailing. It is our opinion that as a result of this last minute action against approval that the neighbors had the



"louder voice" with the Commission which has a significant impact on the Commission decision again approval.

AIRES is therefore asking the Board of Supervisors to review all the information and reconsider the decision made by the Commission.

**3. Written presentation of additional testimony & evidence. A full explanation of the additional testimony & evidence that will be submitted with the explanation of why this was not presented to the Planning Commission.**

AIRES intends to give a visual presentation that highlights the services we are providing to the children and adults with disabilities at the Ranch Road property. This presentation will include pictures of the interior of the home as well as additional exterior pictures. It is our belief that the visual presentation will provide the Board with a better understanding of what AIRES is asking the County to support.

We will also have documentation to indicate our progress thus far in making the recommended modifications to address the issues identified as a part of the permit process. It is our belief that the Commission felt that the concerns from the Fire Marshall and the amount of time the permit process allows for these concerns to be addressed would not be in the best interest of the children and adults under our care at the Ranch Road property. The Commission was verbally presented with the information but no written documentation was available at the time of the Commission meeting since AIRES was still in the inquiry stage at that time.

The presentation will also include the documentation of the Life Safety Inspection and Certification process that had been completed. As previously stated we believe this information was misunderstood by the Commission since the inspection had been provided but was erroneously not available for their review.

Finally, it is our intent to have speakers who are in support of the approval of the special use permit in attendance to enable the Board to hear another perspective that the Commission did not have the opportunity to hear. As previously stated, AIRES did not have the level of familiarity with the process to make arrangements for speakers in support of the application. It was our understanding that the AIRES staff presentation and the recommendations of the County staff were sufficient. It is our intent to rectify that with the Board.



# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

## COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE

(TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER: 107-62-018J

APPLICANT: Diane Logan on behalf of AIRES, LLC

MAILING ADDRESS: 824 E. Fort Lowell Road Tucson Arizona 85719

CONTACT TELEPHONE NUMBER: Diane Logan cell phone: (520) 510-6316

PROPERTY OWNER (IF OTHER THAN APPLICANT): AIRES, LLC

ADDRESS: 824 E. Fort Lowell Road Tucson Arizona 85719

DATE SUBMITTED: July 24, 2013

Special Use Permit Public Hearing Fee (if applicable) \$ 300.00

Building/Use Permit Fee \$ N/A

Total paid \$ 300.00

### PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (9) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (In addition, if the site plan is larger than 11 x 17 inches, please provide one reduced copy.)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.

PAID 7/22/13  
\$300.00  
CHECK # 1680

76 A



5. Citizen Review Report, if special use.
6. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)
7. Hazardous or Polluting Materials Questionnaire, if applicable.

**OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT**

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

10. The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

**PART TWO - QUESTIONNAIRE**

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

**SECTION A - General Description** (Use separate sheets as needed)

1. What is the existing use of the property?

Ranch Road is a property that AIRES purchased to provide a day program for adults and children with developmental disabilities.

2. What is the proposed use or improvement?

Use of the property if for AIRES to provide a day program for adults with developmental disabilities. We also provide an afterschool/summer program for children with developmental disabilities. This is the only state funded program for children with disabilities in the Sierra Vista area. AIRES is one of two state funded adult day program providers in the Sierra Vista area.

77 A

3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties?

The day program for adults (funded through DES/Division of Developmental Disabilities) runs Monday through Friday. Program hours are 8am – 4pm. We are closed for some major holidays. The program currently provides services to 20 adults with developmental disabilities. These are adults who have varying levels/types of developmental disabilities such as mental retardation, cerebral palsy, autism, epilepsy, or multiple disabilities. Many of these adults are in wheelchairs and all require staff supervision at all times.

The afterschool/summer program currently serves 15 children. The service hours for children varies based on the time of year and parental need. During the school year, the program operates after school until 7pm. The summer program occurs during traditional business hours through 6pm.

Although the staff to consumer ratio may vary based on the specific supervision/support needs of the consumers, generally there are about 1 staff assigned for every 3 consumers. Staff hours are consistent with the program operation hours, with the exception that staff may be scheduled for an hour before or after typical program hours. AIRES currently has 12 staff assigned to work in these programs.

AIRES may also at some point in the future use this home to provide respite services on evenings or weekends. Respite is used for consumers who live in their own homes with a caregiver or their family and is designed to give the family caregiver a break. The staff to consumer ratio for respite is generally one staff for each consumer, but may be 1:3 if needed. Respite would generally be provided to one consumer at a time.

AIRES may also use the home for overnight accommodations for AIRES staff who are working for AIRES in the Sierra Vista area but live elsewhere in the state.

AIRES does not anticipate that our use of the home will impact neighboring properties, with the exception of some increased traffic. AIRES provides transportation for the consumers to and from the day program. Most of the transportation is provided using traditional vehicles such as vans and cars. We do, however, have one "mini-bus" that allows us transport a number of consumers in their wheelchairs. The road to our property is paved. Currently this translates to about 1 car, 6 vans and 1 mini-bus that drive to and from the home each morning and afternoon, in addition to the staff vehicles.

4. Describe all intermediate and final products/services that will be produced/offered/sold.  
See #3.

73 A



5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal).

AIRES is using the home (wood/stucco) that was on the property. We do not have a plan to construct additional buildings on the property.

6. Will the project be constructed/completed within one year or phased? One Year \_\_\_\_\_  
Phased \_\_\_\_ if phased, describe the phases and depict on the site plan.

N/A

Provide the following information (when applicable):

A. Days and hours of operation: Days: Monday - Friday Hours (from 8 AM to 6 PM)

B. Number of employees: Initially: 12 Future: approximately 15

Number per shift Seasonal changes N/A

C. Total average daily traffic generated:

- (1) How many vehicles will be entering and leaving the site?

20 (estimated – see #3 for more detail)

- (2) Total trucks (e.g., by type, number of wheels, or weight)?

0 ( see #3 for more detail)

- (3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

The majority of the traffic will arrive at the home via Hi-way 90 and travel south on S. Moson Road, turning east on E. Canada, and turning south on S Ranch Road.

- (4) If more than one direction, estimate the percentage that travel in each direction?

N/A

- (5) At what time of day, day of week and season (if applicable) is traffic the heaviest?

Most traffic will occur Monday through Friday between 7:30–8:30am and 3:30–4:30pm.

D. Circle whether you will be on public water system or [private well]. If private well, show the location on the site plan.

Estimated total gallons of water used: per day 1500 per year 378,000

E. Will you use a septic system? Yes X No     

If yes, is the septic tank system existing? Yes X No     

Show the septic tank, leach field and 100% expansion area on the site plan.

**F. Does your parcel have permanent legal access\*? Yes X No**

***If no, what steps are you taking to obtain such access?***

\_\_\_\_\_  
\_\_\_\_\_

\*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet.

Does your parcel have access from a (check one):      private road or easement\*\*  
  X   County-maintained road  
     State Highway

\*\*If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

**G. For Special Uses only - provide deed restrictions that apply to this parcel if any.**

Attached      NA   X  

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Well on site	N/A
Sewer/Septic	Septic	N/A
Electricity	SSVEC	N/A
Natural Gas	Propane tank on site	N/A
Telephone	Century Link	N/A
Fire Protection	Fry Fire District	N/A



## SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

As a part of service provision, AIRES staff and consumers will do activities outside such as caring for the grounds, playing yard games, having picnics, etc. These outdoor activities would be similar to having a family gathering outside.

2. Will outdoor storage of equipment, materials or products be needed? Yes \_\_\_ No X if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties.

N/A

3. Will any noise be produced that can be heard on neighboring properties? Yes X No \_\_\_ if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties?

AIRES does not anticipate that the outdoor noise level would be so significant that any measures will need to be taken. Sounds that could be heard may be people talking, laughing, singing, etc. It should be similar to what may be heard if there were a family gathering in the yard of any traditional home.

4. Will any vibrations be produced that can be felt on neighboring properties? Yes \_\_\_ No X if yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties?

N/A

5. Will odors be created? Yes \_\_\_ No X If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties?

N/A

6. Will any activities attract pests, such as flies? Yes \_\_\_ No X If yes, what measures will be taken to prevent a nuisance on neighboring properties?

N/A

7. Will outdoor lighting be used? Yes X No \_\_\_ If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.

We did install a solar light at our driveway entrance to light the gate area. The height/brightness of the light should not have an impact on neighboring properties.

8. Do signs presently exist on the property? Yes ☒ No ☐ If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

An 18"x24" sign is attached to the fence next to the gate on the driveway to the property. This was added at the request of the next door neighbor.

Will any new signs be erected on site? Yes ☐ No ☒ If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

No additional signs are planned. Permit application for the sign described above is included.

9. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?  
Yes ☐ No ☒

***If yes, will storm water be directed into the public right-of-way? Yes ☐ No ☐***

Will washes be improved with culverts, bank protection, crossings or other means?

Yes ☐ No ☒

If yes to any of these questions, describe and/or show on the site plan.

10. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)

With the exception of the pre-existing cement driveway immediately in front of the garage, all other driveways and parking areas are natural with no additional surfacing.

11. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)
12. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?  
Yes ☐ No ☒ If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

#### **SECTION C - Water Conservation and Land Clearing**

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Community Development Department, Planning,



Zoning and Building Safety has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

The swimming pool/hot tub that was on the property at the time of purchase has been filled in. This area of the yard was covered with gravel. Approximately 30 square feet of area was cleared of vegetation for parking of staff vehicles and the driveway area was widened a few feet on each side to accommodate two-way traffic is needed. No other clearing is anticipated.

2. How many acres will be cleared? \_

Less than one acre has been cleared as describe in #1.

If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) N/A

#### **SECTION D - Hazardous or Polluting Materials**

Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, or biological agents. Engine repair, dry cleaning, manufacturing and all uses that commonly use such substances in the County's experience require completion of the attachment.

No X Yes \_\_\_\_\_ If yes, complete the attached Hazardous Materials Attachment. Engine repair, manufacturing and all uses that commonly use such substances in the County's experience also require completion of the attachment.

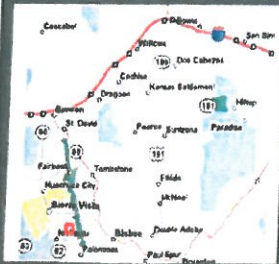
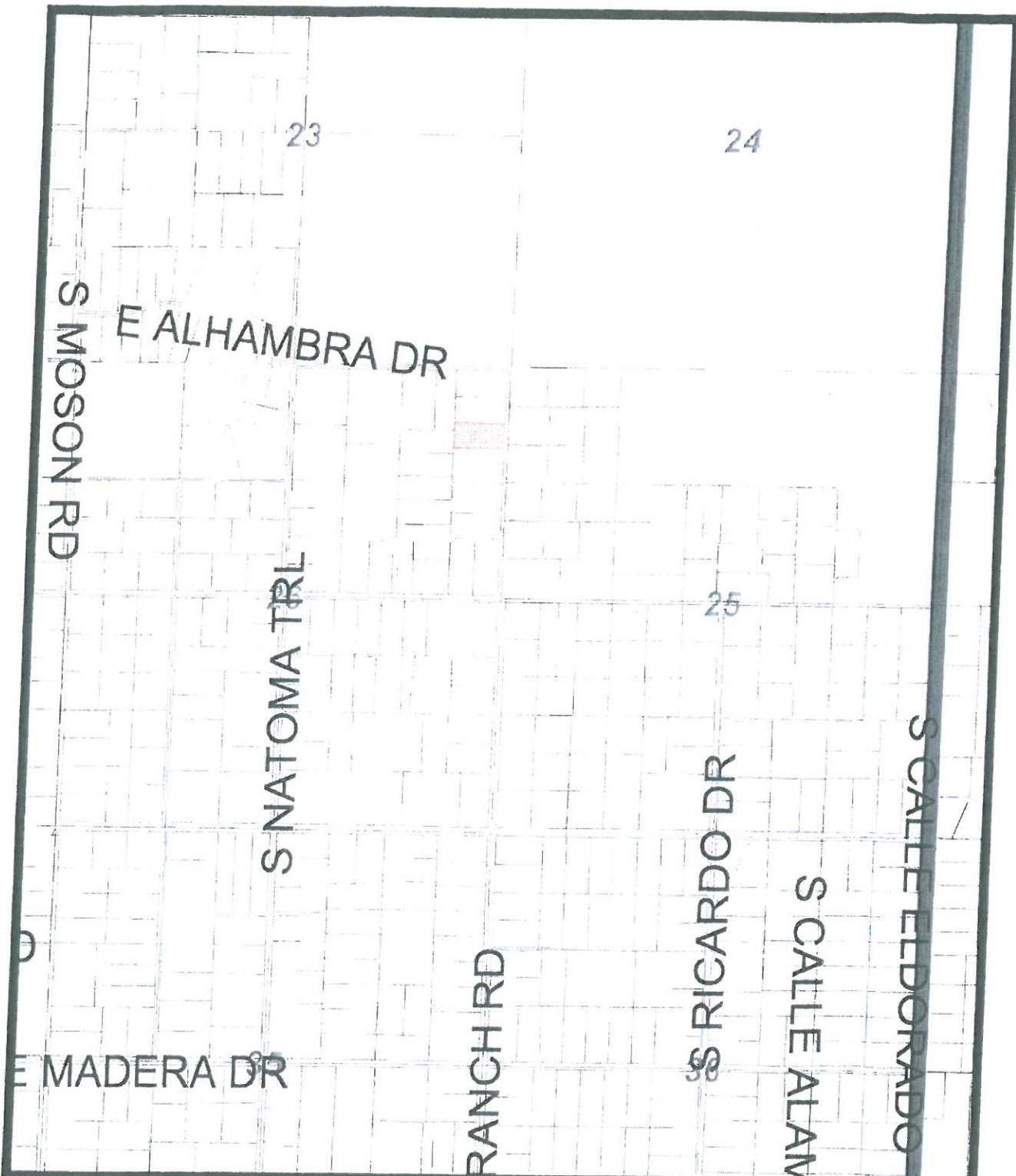
Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts. The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333.)

#### **SECTION E - Applicant's Statement**

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature Dianchoogan AIRES VP/CAO  
July 22, 2013

83 A



Docket SU-13-13  
(Aires)  
Location Map

This map is a product of the  
Cochise County GIS



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0' 1" = 158.1'

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# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

## MEMORANDUM

**Date:** August 26, 2013  
**To:** Keith Dennis, Planner II  
**From:** Karen L. Lamberton, AICP, County Transportation Planner  
**Subject:** AIRES Care Home: SU 13-13/Parcel #107-62-018J

The applicant is applying for a Special Use Authorization to legitimize an existing day care facility operating in an existing residential home. Access to the site is from Ranch Rd., a county-maintained, chip-sealed roadway to Canada Drive, also a county-maintained roadway westbound from the intersection and a private, native-surfaced roadway eastbound from the intersection. Alternative access can also be made via a private, native-surfaced roadway that continues Ranch Rd. further northward, then westward along the Alhambra alignment which then connects up again to a county-maintained segment which connects to Moson Rd.

### **Traffic Analysis**

Trip generation, based on the number of potential clients (up to 35 per day), number of employees (up to 12) and the square footage of the proposed facility, is estimated to average 61 vehicle trips per day, per the ITE Manual, 8<sup>th</sup> edition. This proposed use is not matched in the ITE Manual and this estimate is derived from similar types of uses such as day care facilities, assisted living centers and other types of care facilities. Given that this is a self-contained facility in a rural setting, thus unlikely to expand, this use could be expected to have a range of 30 to 87 trips per day. Ranges are wide for assessing this type of use in the ITE Manual and given that many of the off-site trips for this proposed use are taken as a group in a van, rather than individual cars, traffic generation is most likely to be on the lower end of the range. This proposed use will likely triple the average trip generation from this parcel from its previous use as a single family residential unit. The applicant has estimated 20 vehicles per day (40 vehicle trips per day) which falls within the ranges typically expected for this type of use.

### **Intersection Concerns**

The intersection at Ranch Rd., leading to the applicant's driveway, and Canada Drive, the primary access route to Moson Rd., has a number of issues related to configuration, surfacing, change of right-of-way ownership and directional signs and striping. The County does own partial right-of-way and part of this intersection is county-maintained, and chip-sealed. Surface type goes to a primitive native surfaced roadway and a private road also intersects from the east. As a result, the centerline of this intersection is off-set. This portion of Canada Drive is also not striped and there is not a clear left-turning lane in any

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direction. Stop control exists for two legs of this intersection but vegetation and other obstructions interfere with clear sight distance and with visibility of the intersection signs.

Rural intersections such as this one are typically not a problem as residential traffic moves at slower speeds and traffic volumes are low. This new use would increase the number of vans and vehicles turning left from Canada Drive onto Ranch Rd., crossing a free-flowing traffic movement from the east.

Traveling the opposite direction, northward from the applicant's driveway, also has a number of issues related to ownership, configuration and lack of an all-weather surface. Almost immediately, the road surface goes to a primitive, native-surfaced roadway that is not county-maintained. A public easement does exist and has been privately maintained by adjacent landowners. A wash crossing occasionally results in this roadway being impassable. A full intersection does not exist at Ranch Rd. and Alhambra Drive: the roadway narrows in this area and vegetation restricts sight distance significantly. County-maintenance and a chip-sealed surface pick up again just over a half a mile from the applicant's parcel. This road is not constructed or intended for frequent traffic. At this time there are no plans to improve this roadway and wash crossing to county standards and bring it into the county-maintenance system.

#### **Recommendation and Applicant Guidance**

We have no objection to issuing the requested Special Use authorization with the following guidance to the applicant:

- A hard-surfaced apron would be required at the Commercial Permit stage, to commercial standards, if a modification on width is not granted. The commercial apron is needed to protect the edge surfacing of the county-maintained roadway given the number and frequency of heavier vans that now use the site and the increase of vehicle trips beyond that of a typical residential unit. The applicant is requested to submit a ROW/Encroachment Permit to the Highway Dept. (\$100 fee) and plan to construct a hard-surfaced driveway apron, per County standards, as part of the Commercial Permit phase. We have no objection to granting a modification, if requested, to allow the existing driveway width to remain in place.
- The site plan is adequate to illustrate the concept for this Special Use authorization request. It will not be adequate at the Commercial Permit phase. The applicant is advised that a revised site plan that clearly shows all the driveway dimensions as well as sight triangles (Roadway Design Standards D-300 & Zoning Regulation 1807.06) will be needed at the Commercial Permit stage. A separate diagram showing an inset of the driveway entrance may be helpful both for the ROW permit that will be required and for the Commercial Permit.

What we are looking for is the dimensions of the width of the driveway, the distance of those from the edge of pavement, property lines. What we want the applicant to be sure of is that no fixed objects interfere with sight distance. Our preliminary review of this application leads us to believe that there are no issues of concern.

- Given the concerns regarding turning movements at the intersection of the Ranch Road and Canada Drive there may be off-site requirements of the applicant during the Commercial Permit

phase. The Highway Dept. is assessing the need for additional regulatory signs and striping at this intersection given the increase in turning movements of vans carrying a vulnerable population group. Should intersection improvements be needed for existing conditions the Highway Dept. will undertake those improvements; however, if additional signs are needed solely to address the additional 20 plus left and right turning movements at this intersection the material costs for these signs would be assessed to the applicant, at the Commercial Permit stage, as off-site improvements (estimated to not exceed \$175.00).

- Given the concerns regarding the private roadway segment between Ranch Rd. and Alhambra Dr. of about .58 miles the applicant will be requested to sign a Private Maintenance Agreement committing the applicant to participating in any efforts that adjacent property owners might agree together to undertake to maintain or improve that segment of roadway. Although the applicant does take access directly onto a county-maintained roadway there is no guarantee that the applicant will always use only the county-maintained roadways and the level of impact multiple employee vehicles and agency vans would have on this privately maintained segment is significantly higher than that of the previous single family residential unit.

The applicant is also advised to alert their drivers to the blind corner turn and instruct them to exercise all due caution when using this alternative route to the AIRES home.

cc: Docket SU-13-013, Highway Dept.



*Intersection of Alhambra Dr. and Ranch Rd. Public Easement: Not County-Maintained*





## *Cochise County Planning Department & Fry Fire District*

### Joint Project Review Approval for Commercial Permits & Subdivisions.

Attn:

Date: September 3, 2013

Project Name: Aires, Diane Logan

Project Address: 4100 S. Ranch Road, Sierra Vista

Project Tax ID #: 107-62-018J

Scope of Project:

Legitimize an existing day care establishment.

- ☐ APPROVED
- ☒ APPROVED with CONDITIONS
- ☐ DENIED
- ☐ APPROVAL NOT REQUIRED
- ☐ FRY FIRE FEES PAID

Remarks:

1. The International Fire Code (IFC) defines facilities providing custodial care for more than 5 adults or children on a less than 24 hour basis as an Institutional Group 4 occupancy (14). IFC, chapter 2, 2006
2. An automatic sprinkler system designed in accordance with NFPA 13 is required in all Group I facilities. IFC 903.2.5, 2006
3. A manual fire alarm system will need to be installed in the building. IFC 907.2.6
4. Illuminated exit and egress lighting units with backup power will be required throughout the structure. IFC 1006, 2006
5. The entryway gate must have a minimum width of 12'.
6. The minimum fire flow requirement for this facility is 1,500 gallons per

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minute with a 2 hour duration. The fire district will accept a decreased fire flow quantity due to the fact that no water utility infrastructure is present in the area. However, an increased tank size, access and a connection to the sprinkler supply tank may be required during the commercial permit application phase. IFC Appendix B, Table B105.1, 2006

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7. A fee of .18 cents per square foot will need to be paid to the fire district during the permit phase. The fee will be collected for plan review and inspection services in accordance with the fire district's approved fee schedule.
  8. The Fry Fire District would like to express concern regarding the fire and building code life safety violations currently occurring at this facility. The owner has been advised of these violations and instructed to obtain compliance as soon as possible.
- 

*The above listed items are minimum requirements of the Fry Fire District and are primarily based on the International Fire Code, 2006. They are not meant to supersede the requirements of any other authorizing agency or building code. If at any time the listed items differ from other requirements, the more restrictive will apply.*

Fire Prevention Officer: Mike McKearney, Fire Marshal (520) 439-2239

Fry Fire District  
Attention: Fire Prevention Office  
4817 Apache AVE  
Sierra Vista, AZ. 85650



**From:** Sipe, Lee  
**Sent:** Wednesday, August 07, 2013 10:24 AM  
**To:** Dennis, Keith  
**Subject:** RE: Transmittal SU-13-13 (Aires LLC Day Care Establishment)

*Building Code*

*One area of concern is the building code occupancy. If kept under 16 at any one time, including employees and consumers, this will be basically a residence per building code. If more than 16 occupant at any time it will be under institution classification per building code.*

*Environmental Health*

*The amount of gallons per day discharging into the septic system is of concern, the letter states 1500 gallons per day would be discharged. The septic system was installed in 2001 and was designed for 600 gallons per day. So the septic system would need to be brought up to anticipated use.*

*Thanks*

*Lee Sipe*

COCHISE COUNTY  
Building Inspector/Plans Examiner  
(520) 432-9240  
[lsipe@cochise.az.gov](mailto:lsipe@cochise.az.gov)

---

**From:** Dennis, Keith  
**Sent:** Friday, August 02, 2013 5:03 PM  
**To:** Lambertson, Karen; Couchenour, Terry E. Jr.; David A. Burchard; Ellis, Ronald; Springer, Mike; Sipe, Lee; [mmckearney@fryfiredistrict.com](mailto:mmckearney@fryfiredistrict.com); [dbrush@ci.sierra-vista.az.us](mailto:dbrush@ci.sierra-vista.az.us); Corley, Rick; Capas, Carol; 'p\_edie\_99@yahoo.com'; 'bemisr@vtc.net'; Riggs, Karen  
**Cc:** Wilson, Beverly; Turisk, Mike; English, Ann  
**Subject:** Transmittal SU-13-13 (Aires LLC Day Care Establishment)

Have a good weekend, everyone.

Keith Dennis - Planner II  
Cochise County Planning Department  
1415 Melody Lane  
Bisbee, AZ 85603  
520-432-9240

"Public Programs - Personal Service"  
[www.CochiseCounty.com](http://www.CochiseCounty.com)

91 D

## Citizen Review Report

**Re: 4100 South Ranch Road Sierra Vista, AZ (Parcel # 107-62-018J)**

A letter was sent to all addresses of neighboring property owners (mailing list provided by Cochise County Community Development Office) on June 12, 2013. (See attached).

As of July 18, 2013, none of the letters sent were returned to AIRES as undeliverable.

As of July 18, 2013, AIRES has received no phone calls, emails or any other form of correspondence or response to the letters from any of the neighbors.

Since there was no response, no further action was taken.

**AIRES**  
92



June 12, 2013

Dear Neighbor,

AIRES recently purchased a home at 4100 South Rand Road in Sierra Vista. The Cochise County Community Development Office gave us your contact information since our newly purchased home is near your property. We will be pursuing a special use permit for our property as we are using the home for something other than a family living there.

So we would like to take this opportunity to introduce ourselves to you. AIRES is a company that provides services to people with developmental disabilities. We have been providing services in the Sierra Vista area for over 20 years, and we have services in other areas of the state as well. We provide group homes, in-home supports, employment supports and day programs for people in Sierra Vista who have a disability (like mental retardation, cerebral palsy, epilepsy or autism.) Most recently in Sierra Vista, we began to provide an afterschool and summer program for children with disabilities.

At the Ranch Road home we purchased, we are providing day programs for children and adults.

Our day programs for adults with disabilities run Monday through Friday from 8:00am to 4:00pm. We have about 20 adults that come to our program.

Our children's program hours vary throughout the year, since our program offers a place for children with special needs to go when they are not in school. So generally, during the school year, our kids are at the program during after school hours until 7:00pm. Then in the summer they may be there from 10:00am to 6:00pm. We have about 15 children that come to our program.

We do offer transportation to the children and adults in our program so we have vans that we use to bring them to and from the program. We also take our children and adults for community outings in these vans.

AIRES has staff at the program to support and supervise the children and adults while they are at the program. It is our goal to help each of these children and adults to develop the skills they need to live their lives as happily and independently as they are able to.

AIRES

93

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We do things like help our consumers to learn new skills like cooking, playing games, using money, housekeeping, making crafts, gardening, etc. If you aren't familiar with programs for people with disabilities then a good comparison for you may be to think of a day care or school. People who go to day care or school are there to learn new things and to be safe and happy. That's what we do. We try to help each of our children and adults to be the best that they can be.

We are NOT a place where people with challenges with drugs, alcohol or problems with the legal system come to spend their days. We are NOT a 'half-way house' or place for "juvenile delinquents". The children and adults we support are NOT "dangerous".

We may have a staff caretaker at the home on evenings and weekends; or we may provide some temporary respite for one our children or adults during evenings or weekends. Respite is when our staff gives the regular caregiver (parent or family member) a break from taking care of the child or adult with disabilities.

If you have internet access, we encourage you to visit our website at [www.aires.org](http://www.aires.org) to learn more about whom we are and what we do.

AIRES always tries very hard to be good neighbors. We take pride in the services that we provide. We take pride in the buildings and homes we use to provide those services.

If you have any questions about whom we are and what we do, please feel free to contact us.

I am Diane Logan and I am the Vice President/Chief Administrative Officer for AIRES. I can be reached best by cell phone (520 510 6316) or email ([dlogan@aires.org](mailto:dlogan@aires.org)). You can also contact John Clarke. He is our District Director for the Sierra Vista area. He can best be reached by cell phone (520 227 6679) or email ([jclarke@aires.org](mailto:jclarke@aires.org)).

John and I are happy to talk with you at any time. We will answer any questions you might have or listen to any concerns or comments you might have. We would appreciate hearing from you. If you would like to arrange a time meet with us, we are happy to do that. If you would like to arrange a time with us to come and see what we are doing at Ranch Road, we are happy to do that too.

John and I are looking forward to hearing from you and hopefully getting the chance to meet you.

Sincerely,

Diane Logan  
AIRES VP/CAO

**AIRES**

94 E



## Special Use: Docket SU-13-13 (Logan)

YES, I SUPPORT THIS REQUEST:

Please state your reasons: PROVISIONALLY if the following issues are not changed in an increased or negative manner:

The facility's apparent operating hours of 8 a.m. to 6 p.m. weekdays only, not open on weekends or holidays;

The incident of heavier traffic in a *de facto* residential area;

The low frequency sound generated by the current number of idling vehicles is most annoying.

NO, I DO NOT SUPPORT THIS REQUEST:

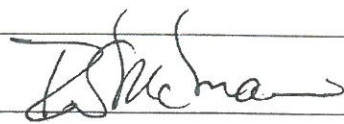
Please state your reasons:

(Attach additional sheets, if necessary)

Richard McMains

PRINT NAME(S):

SIGNATURE(S):

 27 Aug. 2013

107-62-018K

YOUR TAX PARCEL NUMBER: \_\_\_\_\_ (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, August 30, 2013 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

AUG 27 2013  
PLANNING

95 E

## Special Use: Docket SU-13-13 (Logan)

YES, I SUPPORT THIS REQUEST:

Please state your reasons:

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☒ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

They drive too fast for a neighborhood in the country. They are unfriendly. Have increased traffic volume considerably & a result is increased traffic safety. I do not live adjacent to the property but all of my encounters with them while they are transporting people has been unpleasant. There has been at least one episode of patients wandering in the area.

(Attach additional sheets, if necessary)

PRINT NAME(S):

DAVID L. HIGGINS

SIGNATURE(S):

David L. Higgins

YOUR TAX PARCEL NUMBER: 10761002

(the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, August 30, 2013 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

96 E



**Dennis, Keith**

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**From:** Dick McMains [Antworks@Gainbroadband.com]  
**Sent:** Wednesday, October 02, 2013 3:11 PM  
**To:** Dennis, Keith  
**Subject:** Docket SUA-13-13 (AIRES Appeal)

Mr. Dennis--

My wife and I support the AIRES' request to appeal the apparent previous decision made in this matter.

We supported AIRES at the first hearing as noted on the form which you sent at that time.

Suzanne and Richard McMains  
4180 S. Ranch Road  
Sierra Vista, AZ 85650

**From:** Gordon Carpenter [kb7oim@gmail.com]  
**Sent:** Thursday, October 03, 2013 12:51 PM  
**To:** Dennis, Keith  
**Subject:** Docket SUA-13-13 (AIRES)

First let me state that I am opposed to this request. I chose to reside here because of rural / residential nature of the area and the zoning that appeared to me to be aimed at maintaining that ambiance. I am against any special use that could increase traffic, noise, effective population density, or put additional strain on the natural resources of this location.

I would like to know the reasons for the original (8,0) denial.

If this appeal does not resolve all of the issues that were grounds for that denial then it should again be denied and the county should immediately move toward shutting the doors of this day care operation.

Thank You,  
Gordon B Carpenter  
8173 E Canada Dr.  
Sierra Vista, AZ 8650



## Dennis, Keith

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**From:** Dick McMains [Antworks@Gainbroadband.com]  
**Sent:** Friday, October 11, 2013 11:27 AM  
**To:** Dennis, Keith  
**Subject:** Re: Docket SUA-13-13 (AIRESW Appeal)

Mr. Dennis--

I strongly support the AIRES appeal and general position.

We have been assured by both Cochise County officials and professional real estate individuals that AIRES presents little to no effect on residential property values.

As we are adjoining neighbors and physically the closest neighbors, AIRES to date has shown to be an excellent neighbor.

It is my understanding that there are issues relating to their business which have little to do with any elements that would conceivably be issues to us beyond our previously stated concerns of traffic, expansion of operating hours, or my sensitivity to low frequency sound.

I would urge those considering this appeal to view it with favor.

Sincerely,

Richard McMains

4180 S. Ranch Road

On Oct 11, 2013, at 10:33 AM, Dennis, Keith wrote:

You should address that to me, and do so as soon as possible.

Thanks.

-----Original Message-----

**From:** Dick McMains [<mailto:Antworks@Gainbroadband.com>]  
**Sent:** Friday, October 11, 2013 10:25 AM  
**To:** Dennis, Keith  
**Subject:** REF: Docket SUA-13-13 (AIRESW Appeal)

Mr. Dennis--

I am unable to be present for the 22 October meeting to consider this issue.

However, I would like to make a statement.

To whom should I address it please?

Thank you.

Richard McMains

## Petition

Oct 10, 2013

OCT 15 2013

RE: Docket SUA-13-13, (AIRES Appeal), Parcel No. 107-62-018J, located at 4100 S. Ranch Road in Sierra Vista, AZ.

ATTN: Cochise County Board of Supervisors and To Whom It May Concern:

We the undersigned adjacent property owners/occupants (see page 2) **DO NOT want or support** the request to legitimize an existing Day Care Establishment at 4100 S. Ranch Road for the following reasons.

1. Concerned about the Credibility and Trustworthiness of applicants. Aires denied knowing the proper permit and code requirements for establishing a care facility in a rural residential area. They started the business in violation of permit requirements. We are concerned about Aires future compliance with rules/regulations should their request be approved.
2. We do not want a commercial business in our quiet residential neighborhood.
3. We would like Cochise County board of supervisors to uphold unanimous vote by planning and zoning commission to deny this "backdoor" permit application.
4. Aires continues to operate establishment without approval and in violation of Cochise County Planning and Zoning regulations.
5. Volume of vehicle traffic from employees and vans/ buses coming to and from the facility has created excessive dust dirt and noise and road wear. Chip seal road is already showing signs of wear (turn marks evident at driveway entrance)
6. Additional noise and yelling by residents and caregivers is disturbing and stressful interfering with the peace and enjoyment of our quiet country environment.
7. Property values would be negatively affected by limiting the number of potential buyers who do not want to live by day care establishment.
8. Concerned about residential septic tank use by 50 people daily.
9. Fire and Safety Concerns of 50 people occupying supposed 3300 square foot residential home. We believe that square footage of the residence is less than what is stated.
10. Safety and welfare concerns, nuance issues due to staff's lax supervision and resident issues. Contrary to the letter dated June 12, 2013, Diane Logan, Aires VP/CAP stated at the planning and zoning hearing on Sept 11, 2013, something to the affect some Aires clients can be aggressive. Two incidents occurred due to staff's lack of supervision. Resident left the facility and nonstop pounded on neighbor's door and appeared to the neighbors to be waving a gun. Neighbors were in fear of harm, and almost shot the resident. Sherriff's deputy responded. The facility caregivers were unaware he had left the care home. Also, another lapse in supervision, neighbor observed a resident locked himself in a car on the facility and honked the horn for a long while until the facility finally got him out.
11. Environment is not appropriate for disabled residents with limited abilities to care for themselves. Rattlesnakes, coyotes, bobcats, javelina frequent area.
12. Concerned about future expansion (in size and number of residents) should the permit be approved.



13. We the undersigned believe that Aires LLC, in business for 20 years in Arizona, knows better than to start a business without proper permits. As stated by planning and zoning commissioner this applicant seems to be asking for forgiveness, and applying for the permits only after "getting caught" operating in violation of rules and regulations rather than applying for a permit to start a business. Please uphold the 8 to 0 vote by planning and zoning commission and deny this appeal.

COCHISE COUNTY

Thank you for your time.  
Sincerely,

OCT 15 2013

Property Owners/Occupants in Opposition to Docket SUA-13-13 (Aires Appeal)

PLANNING

Printed Name	Address / Parcel #	Date	Signature
Richard Mianowski	8389 F Canada Dr	10/10/13	Richard Mianowski
MARLENE EVERIST	4055 S. RANCH Rd.	10/10/13	Marlene Everist
Ken Dunn	8505 E Dixie Rd	10/10/13	Ken Dunn
Lou Ann Frizzell	4335 Ranch Road	10-10/13	Lou Ann Frizzell
Gordon Carpenter	8172 E Canada Dr	10/10/13	Gordon Carpenter
Jennifer Nanatovich	4182 S. LORAY Rd.	10/10/13	Jennifer Nanatovich
STEVEN NANATOVICH	4182 S. LORAY Rd	10/10/13	Steven Nanatovich
RAY NANATOVICH	4202 LORAY Rd	10/10/13	Ray Nanatovich
MARI NANATOVICH	4202 LORAY Rd.	10/10/13	Mari Nanatovich
BRADY WARREN	8401 E. AMERICAN Dreamway	10/10/13	Brady Warren
Jimmy L. Bryant	8260 Alhambra Rd.	10/11/13	Jimmy L. Bryant
DANIEL J. BRYAN	4269 S. RANCH ROAD	10/11/13	Daniel J. Bryan
DAVID H. HIGGINS	8553 E. Double Ln	10/11/13	David H. Higgins
Sandra Phillips	8182 E. Alhambra Dr	10/11/13	Sandra Phillips
Calvin Phillips	8182 E. Alhambra Dr	10/11/13	Calvin Phillips
David Phillips	8150 E. Alhambra Dr	10/12/13	David Phillips
Diana Fields	8150 E. Alhambra Dr	10/12/13	Diana Fields
Joseph P. Simpson	8282 E. Canada	10/12/13	Joseph P. Simpson
Phil O. Simpson	8500 Dixie Rd.	10/12/13	Phil O. Simpson
Bull & Gayle Clark	8345 E CANADA DR	10/13/13	Bull & Gayle Clark
KARA BROWN	4136 S. LORAY Rd	10/14/13	Kara Brown
Andy S. Brown	4136 S. LORAY Rd.	10/14/13	Andy S. Brown
Ronald B Meyer	8445 E DIXIE RD	10/14/13	Ronald B Meyer
ROSE MEYER	8445 E DIXIE RD	10/14/13	Rose Meyer
Thomas Romo	5152 SANTA ELENA ST	10-14-13	Thomas Romo
Socorro Estrada	8460 E. American Dreamway	10-15-13	Socorro Estrada



10 OCTOBER 2013  
RE: DOCKET  
SuA-13-13

APPROXIMATE MAP  
LOCATION OF  
PETITION SIGNERS.

NATURAL UNOCCUPIED - UK

1,811 ACRES



DNS = Do Not Support  
Sp = Signed Petition  
UK = UNKNOWN  
 = Proposed Establishment

COCHISE COUNTY  
OCT 15 2013  
PLANNING  
8282 E  
Canada  
DNS  
Sp

\* NOTE \*  
Not to  
SCALE.

CANADA DR.  
Dint Road

CANADA DR  
- CHIP SEAL ROAD -

Natoma Trail Dint Road

## Special Use Appeal: Docket SUA-13-13 (AIRES)

OCT 15 2013

PLANNING

YES, I SUPPORT THIS REQUEST:

Please state your reasons:

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NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

Please see Petition Against (Property Owners/ Occupants in Opposition to docket SUA-13-13 (Aires Appeal) with my name dated 10/11/13.

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(Attach additional sheets, if necessary)

PRINT NAME(S):

Jimmy L. Bryant

SIGNATURE(S):

J. Bryant

6280 Alhambra Drive Hereford AZ

YOUR TAX PARCEL NUMBER: 10162 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Board of Supervisors. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Tuesday, October 15, 2013 if you wish the Board to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Supervisors to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

E



## Special Use Appeal: Docket SUA-13-13 (AIRES)

YES, I SUPPORT THIS REQUEST:

Please state your reasons:

COCHISE COUNTY

OCT 11 2013

PLANNING

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

There are many reasons that I believe that this Day Care for the developmentally disabled should not be at 4100 S. Ranch Road.

When the previous owner moved out, Aires came in with a crew of people and began renovating the home. We had no idea what was happening until the vans started coming every <sup>week</sup> day a.m. & p.m. (and school buses every weekday p.m. now).

We now know that all of this time they have been operating this business without a permit or oversight from the county.

see attached

(Attach additional sheets, if necessary)

PRINT NAME(S):

ROBERT O. SIMPSON

W. Jean Simpson

SIGNATURE(S):

Robert O. Simpson

W. Jean Simpson

YOUR TAX PARCEL NUMBER: 107-61-023

(the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Board of Supervisors. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Tuesday, October 15, 2013 if you wish the Board to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Supervisors to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis, Planner II

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

E

pg 2 -

I believe the Day Care should never have been moved from Sierra Vista to a rural area zoned residential.

I have many concerns, such as: the individual septic system being over-whelmed; the well water supply; up to 50 people being closeted in a 3300 sq ft home; the distance and cost of transportation of the clients; lack of a fire station close by; and the distance from emergency medical services.

I believe the clients and their families would be better served where all of the above conditions can be met.

OCT 15 2013

PLANNING

## Special Use Appeal: Docket SUA-13-13 (AIRES)

YES, I SUPPORT THIS REQUEST:

Please state your reasons:

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NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

*I agree with statements on petition.*  
*PLEASE SEE My Signature on second line of petition.*

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(Attach additional sheets, if necessary)

PRINT NAME(S):

MARLENE R. EVERIST

SIGNATURE(S):

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YOUR TAX PARCEL NUMBER: 107-61-002-S (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Board of Supervisors. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Tuesday, October 15, 2013 if you wish the Board to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Supervisors to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

E



# Special Use Appeal: Docket SUA-13-13 (AIRES)

COCHISE COUNTY

OCT 11 2013

PLANNING

YES, I SUPPORT THIS REQUEST:

Please state your reasons:

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NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

The reason we don't support the request  
Aire's has a lot of problems, she is running a  
a Business with a lot of problems and violations  
Nobody was informed what was going on  
at the last meeting she claimed she invited  
all the neighbors in to see what was going on  
she never did. It took her nearly a year to  
Put up signs.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Rose Meyers Howard Meyers

SIGNATURE(S):

Rose & Meyers Howard B Meyers

YOUR TAX PARCEL NUMBER:

10761002X

from the Assessor's Office)

(the eight-digit identification number found on the tax statement

Your comments will be made available to the Board of Supervisors. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Tuesday, October 15, 2013 if you wish the Board to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Supervisors to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis, Planner II

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

OCT 15 2013

PLANNING

## Special Use Appeal: Docket SUA-13-13 (AIRES)

YES, I SUPPORT THIS REQUEST:

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

PLEASE SEE ATTACHED  
WRITTEN COMMENTS.  
IN ADDITION I HAVE SIGNED  
THE ATTACHED PETITION FROM  
THE NEIGHBORS LOCATED  
WITHIN 1,500 FT. I AGREE WITH  
PETITION.

(Attach additional sheets, if necessary)

PRINT NAME(S):

NANATOVICH, STEVEN J

SIGNATURE(S):

*[Signature]* Namh

YOUR TAX PARCEL NUMBER: 10762017F (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Board of Supervisors. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Tuesday, October 15, 2013 if you wish the Board to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Supervisors to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E



OCT 15 2013

PLANNING

Steven, Jennifer Nanatovich  
4182 S. Loray Rd.  
Sierra Vista, AZ 85650  
jnanatovich7496@msn.com 520-255-3355

Board Members,

My family and I absolutely oppose the property (residential house) on Ranch Road from being utilized as a "Daycare Center" by the self proclaimed "large corporation". This is from the Aires Web Site:

"We encourage you to consider having your family member receive residential living services via an AIRES group home. An AIRES group home is so much more than a **residential facility with staff**; it's a home that provides loving, compassionate care". So loving and compassionate that they want to cram 50 people in a house "**facility**" that's legal occupancy is well below 50 people. I am sure Aries will seek the sympathy vote, however, don't forget this caring organization that "*provides loving, compassionate care*" does not have proper fire protection, septic tank capacity, occupancy level and environmental protection for these "Poor children". In addition, we as neighbors have no idea what violence these children are capable of. I had to find out from my neighbor that an adult daycare person had gotten loose and trespassed on his property which involved firearms and the police. I do not want another "break out" incident in my neighborhood. And I will blame this council if someone is hurt for its bad decision to let potential adult mental patients loose. I was never warned or informed by Aries about this potential hazard. I pray that no Adult daycare person trespasses on my property, I will not hesitate to defend my family. I am astonished that this huge corporation wants to bus in children and additional staff 24 hours a day 7 days a week. This means I have to live next to a 24 hour a day mental institution (**Facility**). This gives new meaning the phrase build it and they will come! These disable children are let loose in the yard were I do not even allow my ten year old to play. I am absolutely stunned that a corporation can purchase a residential home and stuff disabled children and disabled adults in it just out of the blue and expect everything to be retroactively approved. I want to know how they have been allowed to be in charge of mental patients with no regard for their safety and well being. I am sure it's cheaper to plop these people out on Moson road. This is insulting to our neighborhood, the children's parents and the Cochise County Planning and Zoning committee. There are a substantial amount of reasons that this ill conceived plan should be absolutely stopped and eliminated. Before you hear the Aries representative mention "for the Children" keep in mind they are not all children! (She mentioned "for the children" 16 times during the last hearing). . When I leave for work in the morning I witness the workers hauling ass over the speed limit on Alhambra and Ranch road. There is no respect for the area residence. There is a line waiting to enter the gate with worker traffic. A line with speeding traffic, loud music. The dirt road is taking a huge amount of abuse due to the increase in traffic.

When I am home during the day the noises that come out of that residential yard are blood curdling. I have wanted to call the police du to the fact that it sounded like someone was being stabbed to death. The noises are absolutely disgusting and indescribably horrible. These sounds are so disturbing I feel the need to call the police. When I travel home from work the traffic is leaving the house. I can stand on my front

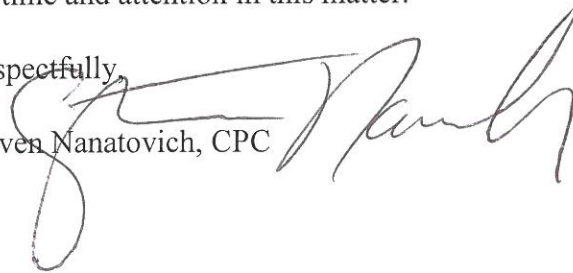




porch and stare a parking lot (currently at about 9 cars) firing up and waiting to leave the compound. Aesthetically this home now looks like an institution (**Facility**). Added spotlights around the porch wall and what appears to be some sort of wire. I predict many phone call to the police at the first chance I believe something may be wrong. I will relentlessly pursue this politically and expose Cochise County for allowing this to take place. Thank you for you time and attention in this matter.

Respectfully,

Steven Nanatovich, CPC

A handwritten signature in black ink, appearing to read 'Steven Nanatovich', written over the printed name.

COCHISE COUNTY

OCT 15 2013

PLANNING

A small, handwritten blue mark or signature in the bottom right corner of the page.

ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Office of Licensing, Certification & Regulation

Home & Community Based Services

Certificate

Arizona Integrated Residential &  
Educational Services (AIRES)

is hereby certified for

<u>Service(s)</u>	<u>Effective</u>
23 HOMEMAKER	JULY 01, 1998
26 RESPITE CARE	JULY 01, 1998
28 ATTENDANT CARE	JULY 01, 1996
31 NON-EMERGENCY TRANSPORTATION	OCTOBER 01, 2001
32 HABILITATION	DECEMBER 01, 1988
39 PERSONAL-CARE ATTENDANT	OCTOBER 25, 1999
42 DD DAY CARE (DAY TREATMENT & TRAINING)	DECEMBER 01, 1988

Arizona Administrative Code A.A.C. R6-6-1500, et. seq., requires the re-certification of services each year on the anniversary date of the original issue date. The certification will remain in effect yearly upon issuance of the Notice of Renewal, unless sooner suspended or revoked on an earlier date. Refer to issuance letter for applicable service or certification restriction.

Renewal Issue Date: 12/01/2010

AHCCCS Expiration Date: 11/30/2020

AHCCCS ID # 017419

97 F



DEPARTMENT OF ECONOMIC SECURITY

Your Partner For A Stronger Arizona

Janice K. Brewer  
Governor

Neal Young  
Director

November 18, 2010

Arizona Integrated Residential & Educational Services (AIRES)

Attn: Wendy Shaw, Vice President

9350 E. Valley Rd., #F

Prescott Valley, AZ 86314

Re: Renewal Certificate

Dear Ms. Shaw:

**Home and Community Based Services  
Certification Renewal**

You have successfully met the requirements for renewal of your Home and Community Based Services certification.

The enclosed certificate replaces the certificate that was previously issued to you. The new certificate reflects that recertification is required annually. Please destroy your old certificate.

In order to maintain your certification and AHCCCS registration you must update applicable training, certifications, licenses and other requirements annually.

Please contact your DDD HCBS representative, Douglas Arnett (928) 773-4957, if you have questions regarding your certification, AHCCCS registration, or payment concerns.

Thank you for your dedication to provide services to Division of Developmental Disabilities consumers.

c:  
file

98 F



ARIZONA DEPARTMENT OF ECONOMIC SECURITY  
Division of Employee Services & Support  
Office of Licensing, Certification & Regulation (OLCR)  
**NOTICE OF INSPECTION RIGHTS**

Name: ARBUS Location: 4100 S. Ranch Rd Sierra Vista 85650

Mailing Address: (if different) \_\_\_\_\_ Phone No. (702) 459-5362

Date of Inspection: 1/10/13 Time of Inspection: 12:00 am/pm pm

Name of Inspector(s): PERKINSON  
(The inspector must provide photo identification)

This inspection is conducted under the authority of Arizona Revised Statutes and the Arizona Administrative Code (see back of form).  
The purpose of this inspection is:

- ☐ To verify compliance with licensing requirements for a Child Welfare Agency.  
☐ To verify compliance with licensing requirements for a Family Foster Home.  
☒ To verify compliance with Life-Safety requirements for the OLCR.  
☐ To verify compliance with audit requirements for Home & Community Based Services (HCBS).  
☐ To conduct an inquiry or follow-up on a complaint related to a service that is licensed or certified by the OLCR.  
☐ Other

**You have the right to:**

- Have an on-site representative of this service, home or facility accompany the inspector on the premises, except during confidential interviews.
- Make copies of any original documents if originals are to be taken during the inspection.
- Be informed that all statements made during the inspection may be included in the inspection report.
- Be informed if and when a conversation during the inspection is to be tape-recorded.
- Due process relating to an appeal of a final decision based on the results of the inspection.
- Contact the Office of the Ombudsman if you believe you were treated unfairly during the inspection, administrative review or appeal process (see back of form).

If you have any questions regarding this inspection, you may ask the inspector directly, or you may contact:

Unit Manager: Kathy Balones Phone No.: (602) 542-7013

To request an administrative review of the decisions based on the results of the inspection, you may contact:

Program Administrator: Leanna ReKing Phone No.: (602) 542-0007

To appeal a licensing decision, notify your licensing worker who will, in turn, file the request for an appeal.

I have been informed of my inspection and due process rights, as listed above. I understand that while I have the right to decline to sign this form, the inspector may proceed with the inspection.

Provider/On-Site Representative's Signature: [Signature] Date: 1/10/13

- ☐ The provider/on-site representative was not present.  
☐ The provider/on-site representative refused to sign this form

Inspector's Signature: [Signature] Date: 1/10/13

Routing: Original - Inspector, Canary - Provider/On-Site Representative.

Equal Opportunity Employer/Program • Under Titles VI and VII of the Civil Rights Act of 1964 (Title VI & VII), and the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008; the Department prohibits discrimination in admissions, programs, services, activities, or employment based on race, color, religion, sex, national origin, age, disability, genetics and retaliation. The Department must make a reasonable accommodation to allow a person with a disability to take part in a program, service or activity. For example, this means if necessary, the Department must provide sign language interpreters for people who are deaf, a wheelchair accessible location, or enlarged print materials. It also means that the Department will take any other reasonable action that allows you to take part in and understand a program or activity, including making reasonable changes to an activity. If you believe that you will not be able to understand or take part in a program or activity because of your disability, please let us know of your disability needs in advance if at all possible. To request this document in alternative format or for further information about this policy, contact your local office; TTY/TDD Services: 7-1-1. • Free language assistance for DES services is available upon request. • Disponible en español en línea o en la oficina local.

## Dennis, Keith

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**From:** Diane Logan [DLogan@aires.org]  
**Sent:** Tuesday, August 27, 2013 10:32 AM  
**To:** Dennis, Keith  
**Cc:** John Clarke  
**Subject:** RE: Site Plan Deficiencies and Modifications

Hi Keith –

Thanks for speaking with me this morning. As we discussed, I met with Mike McKearney at Ranch Road last Friday. He indicated to me that based on his observation, he would be recommending that we get a sprinkler system installed and have lighted exit signs posted. He also said he would follow up with me about the width of the gate, but otherwise, I understood that all of his original questions had been answered to his satisfaction.

I will submit a corrected site plan to you tomorrow to include the driveway area that leads to the staff parking area.

With regard to standards you mentioned below, AIRES would like to ask for a modification to accept the current driveway and parking areas as they currently exist. The current surface and width have been working well and have not presented any issues, nor did Mike indicate they would be an issue for the fire department.

We would also like to ask that we be allowed to have the two small identification signs remain in place. AIRES installed the signs in response to a request from a neighbor to have them there. The neighbor expressed that he was pleased with the signs. It is our intent to be a good neighbor.

Finally, we would also ask that the Commission make the modification to allow the secondary building to remain with the 8 feet separation as it was at the time the property was purchased.

Should you need any additional information from me, please feel free to contact me. Thanks for your assistance.

Diane Logan  
AIRES VP/CAO  
cell: 520 510 6316

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**From:** Dennis, Keith [<mailto:KDennis@cochise.az.gov>]  
**Sent:** Monday, August 26, 2013 9:54 AM  
**To:** Diane Logan  
**Subject:** Site Plan Deficiencies and Modifications

Diane, the parking area along the north side of the daycare, and the driveway leading to it, are not shown on the site plan. This is important information to include in the site plan. I would like to work with you to get the site plan in a little better shape this week. My staff report is due this week.

Also: there are zoning development standards that are not met by the site as it exists:

- Any driveways that accommodate two-way traffic are supposed to be 24-feet wide;
- All driveways and parking areas are required to be improved with a 2-inch deep gravel surface;
- There are two small identification signs at the front gate, but only one such sign is allowed per street frontage; and



- Finally, the garage that was converted into living quarters is, per the site plan, eight feet from the main house. 15-feet of building separation is required between principal structures.

If you would like, you can ask that the Commission modify any of the above to allow the existing site conditions to continue. To do so, simply write back and let us know which of the above you wish to ask the Commission to modify and your justification for the same. Bear in mind, the Commission may grant a waiver from driveway improvements (widening, graveling), but if the Fire District requires a 20-foot wide paved surface in order to provide emergency services on the property, the Commission's granting of your request may end up superseded by the Fry Fire requirements.

Let's talk this afternoon.

Keith Dennis - Planner II  
Cochise County Planning Department  
1415 Melody Lane  
Bisbee, AZ 85603  
520-432-9240

"Public Programs - Personal Service"  
[www.CochiseCounty.com](http://www.CochiseCounty.com)

**LEGAL NOTICE  
NOTICE OF PUBLIC HEARING**

The Cochise County Board of Supervisors hereby gives notice a public hearing will be held at or after 10:00 a.m., on Tuesday, October 22, 2013, at the Cochise County Board of Supervisors Hearing Room, at 1415 Melody Lane, Building G, in Bisbee, Arizona, to consider the following:

**Docket SUA-13-13 (AIRES):** AIRES, LLC has filed an appeal against a decision made by the Cochise County Planning and Zoning Commission on Wednesday, September 11, 2013. On an 8 - 0 vote, the Commission denied AIRES' request for Special Use authorization to legitimize an existing Day Care Establishment in unincorporated Sierra Vista. Section 1716.04 of the Zoning Regulations provides that appeals of Special Use decisions shall be heard by the Board of Supervisors at a duly noticed public hearing.

The subject Parcel (107-62-018J) is located at 4100 S. Ranch Road in Sierra Vista, AZ. It is further described as being situated in Section 25 of Township 22, Range 21 East of the G&SRB&M, in Cochise County, Arizona. The Applicant is AIRES, LLC, represented by Diane Logan.

Details of the above docket are on file in the Cochise County Planning Department and may be examined during office hours. Inquiries may be directed to Planner Keith Dennis by calling 520-432-9240, or by email to [kdennis@cochise.az.gov](mailto:kdennis@cochise.az.gov). All persons interested in said matter may appear at the public hearing.

Dated October 1, 2013

Publish: *Bisbee Observer*  
No later than October 3, 2013